IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 4330 of 2004

SMT. BALWANTI
V/S
MAHAVEER & ORS

Mr. R.S.CHOUDHARY for Mr. GR PUNIA, for the petitioner

Date of Order : 5.10.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By the impugned order, the learned trial court has permitted the defendant to produce on record the photo stat copy of the agreement in question, original whereof has been produced by the plaintiff, and relied upon by the plaintiff.

The controversy between the parties appears to be about some interpolation said to have been made in the document about the date. In these circumstances, when the learned trial court has allowed the defendant to produce the photo stat copy on record, I do not find any error in the order. May be that the production of the document is grossly belated, but then the learned trial court has adequately compensated the petitioner by costs. Another grievance of the learned counsel is, that the petitioner's evidence is already over. In this regard, it may be clarified that it will be open to the petitioner to lead such evidence as the petitioner may like to produce by way of rebuttal of document taken on record. With this liberty, the writ petition is dismissed summarily.

(N P GUPTA),J.

/Sushil/